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March 1, 2016

Hon. Paul G. Gardephe
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

RE: *Six Dimensions, Inc. v. Perficient, Inc. et. Al.*
15-cv-8309 (PGG)(JLC)


Your Honor:

In preparation for the conference scheduled for March 3, I respectfully provide this update to the January 14, 2016 submission (Docket Entry 58).

In order to further illuminate the issue of convenience of witnesses in this case, Plaintiff has employed effort to identify the witnesses that were involved in the artifice to solicit its employees as described in the complaint. Accordingly, Defendant disclosed 13 participants not previously identified in Plaintiff's January 11, 2016 disclosures (Docket Entry 58.1) as residing in Texas, Minnesota, North Carolina, Georgia, California, Oregon, and South Carolina. See February 10, 2016 disclosure annexed hereto as **Exhibit C**. We also discovered that Jeannette Gomez, the chief recruiter for Perficient, Inc. conference, resides in Cedar Park, Texas. We were advised that Ms. Gomez traveled to New York City for Perficient several times in 2015.

Defendant has yet to respond to the majority of our Rule 33 and Rule 34 discovery requests, dated December 15, 2015, December 23, 2015, December 30, 2015, and January 7, 2016 on the grounds that Defendant Brading has requested a Stay. We have not submitted a joint dispute as there is an agreement between the parties that Perficient Inc. will respond to the outstanding discovery requests after the Court decides the Brading application.¹ Perficient has requested 24 days to respond and it is Plaintiff's view that Perficient should be ready to supply them within 10 days of the Court's ruling on the Stay application.

I respectfully correct paragraph 1 on page 3 of my January 14, 2016 letter in that the contracts for the individuals listed in Paragraph 55 of the Second Amended Complaint did differ in some respects, *i.e.* many of them did not refer to Initial Koncepts, Inc. Their contracts, identified in Plaintiff's November 25, 2015 disclosures, are annexed as **Exhibit D**. Finally, we will respectfully ask that Matthew Tremblay be added to paragraph 55, as he resigned two weeks ago.

Respectfully

John P. Bostany

¹ We have discussed between counsel Defendant Perficient's other objections and modified discovery as needed in order to resolve them without the need to involve the Court.